

Remarks

The Applicant thanks the Examiner for the courtesy shown during the telephonic interview on January 12, 2005. As discussed during the interview, a Preliminary Amendment was filed in this application on March 11, 2002. This Amendment is in response to the Official Action mailed December 17, 2004.

Objections and Rejections under 35 U.S.C. § 112 ¶ 2

The Official Action includes several objections to the specification and claims. Specifically, the Official Action indicates that the Applicant must submit an Amendment to clarify the disclosure so that the Examiner may make a proper comparison of the invention with the prior art. Also, the Official Action indicates that several claims are allegedly in improper dependent form, in the narrative form, and replete with indefinite and functional or operational language.

It was determined during the interview that the Examiner inadvertently did not consider the Preliminary Amendment filed March 11, 2002 prior to issuing the Official Action. It is the Applicant's belief that the Preliminary Amendment corrected the above-noted issues set forth in the Official Action. In lieu of issuing a substitute Official Action after consideration of the Preliminary Amendment, the Examiner agreed that if the Applicant files a written response to the Official Action, any subsequent Official Action will not be made final. The Applicant accordingly submits this Amendment in response to the Official Action.

It is believed that the Preliminary Amendment sufficiently addresses the Examiner's objections to the specification and claims, and the rejections under 35 U.S.C. § 112. Thus, the

Applicant responds to those objections and rejections by formally requesting consideration of the Preliminary Amendment.

Rejections under 35 U.S.C. § 102

The Official Action also includes a rejection of Claims 1-10 under 35 U.S.C. §102 as allegedly anticipated by Chan. It is respectfully submitted that Chan does not anticipate this invention. Each of Claims 1-10 is directed to an electroluminescent element, its process of manufacture or an article containing it. The electroluminescent element includes a pliable, transparent, nonconductive substrate (or a transparent plastic film) and a conductive cord deposited thereon. The cord forms or delimits at least one zone, within which a complex of electroluminescent materials is deposited.

Chan describes a radioactive medical device. The device is a silver wire that is electroplated with a radioactive material, coated with a polymer or layers of polymers, and sealed in a jacket layer.

Chan does not describe an electroluminescent element, nor does it appear to include any layers of electroluminescent material. Moreover, Chan does not appear to disclose a zone delimited by a cord, on which an electroluminescent material could be deposited. Further, it is respectfully submitted that the technical field of Chan is inapplicable to the present invention. As such, Chan is non-analogous art and one skilled in the art would not look to Chan in attempting to arrive at the present invention.

For these reasons, it is respectfully requested that the rejection under 35 U.S.C. § 102 be reconsidered and withdrawn.

Amendments

During the interview, the Examiner indicated that an objection to Fig. 2 would be forthcoming because the figure does not show seven layers of electroluminescent material. The Examiner suggested that a new Fig. 2 be submitted to show seven layers as recited in claim 1. The Examiner's helpful suggestion has been adopted, and a replacement Fig. 2 is submitted herewith.

This Amendment also corrects two typographical errors in the claim set. Specifically, in claims 1 and 4 the cord was previously described as being formed from a "resistive" material. The claim recitation has been changed to accurately recite that the cord is made from a "conductive" material. Support for the amendment can be found in the originally filed specification at, for example, page 3, lines 10, 17 and 23, page 4, lines 3, 9, 12, 19 and 22, and in original Claims 4, 7 and 8-10.

Similar amendments to the specification (in the "Summary of the Invention" section and the paragraph starting at page 3, line 5) have been made to change the term "resistive" to "conductive".

Claim 1 has also been amended to make more clear that the layers of electroluminescent material is deposited on the nonconductive substrate and the cord to form a complex within the zone.

The amendments presented herein correct typographical errors and otherwise make more clear the subject matter of the invention. The amendments introduce no new matter and raise no new issues. Therefore, it is requested that any subsequent Official Action (if not a Notice of Allowance) be designated non-final in accordance with the agreement reached during the interview on January 12, 2005.

Time for Filing Response

As discussed during the interview, the summary page of the Official Action set a shortened three-month period for response, while the text of the Detailed Action set a shortened one-month period. The Examiner indicated that the three-month period for response is the correct one. Therefore, this Amendment is being submitted with a two-month extension of time and no further extension is believed to be required. However, if any additional extensions are found to be due, please consider this to be a petition for the appropriate extension of time and an authorization to charge the corresponding fee to Deposit Account No. 50-2719.

Conclusion

The majority of objections set forth in the Official Action were previously addressed by the, as yet unconsidered, Preliminary Amendment filed March 11, 2002. This Amendment cures any objections to the drawings and corrects the above-discussed typographical errors in Claims 1 and 4. Therefore, it is believed that the application is now in condition for allowance, which action is respectfully requested.

Respectfully submitted,



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